

## Select Grounds of Inadmissibility, Exceptions & Waivers

|                            | SELECTED GROUNDS OF INADMISSIBILITY  | EXCEPTIONS & WAIVERS                       | SELECTED AUTHORITIES  |
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| Health Related Grounds     |  |  |   |
| 212(a)(1)(A)               | (i) communicable disease of public health significance                                     | Section 212(g)(1) of the Act (Form I-601). | USCIS, <i>Policy Manual</i> , Vol. 9, Part C, Waivers for Health-Related Grounds of Inadmissibility (Jul. 21, 2015), available at <a href="http://www.uscis.gov/policymanual/HTML/PolicyManual.html">http://www.uscis.gov/policymanual/HTML/PolicyManual.html</a> |
|                            | (ii) vaccinations, except for orphans  | Section 212(g)(2) of the Act.              |   |
|                            | (iii) physical or mental disorder with associated harmful behavior                         | Section 212(g)(3) of the Act.              |   |
|                            | (iv) drug abuse or drug addiction, except if in remission                                  | None.                                      |   |
| Criminal & Related Grounds |  |  |   |
| 212(a)(2)                  | (A)(i)(I) crimes involving moral turpitude (CIMT), except petty offense & juvenile offense | Section 212(h) of the Act (Form I-601).    | <i>Matter of J-H-J</i> , 26 I&N Dec. 563 (BIA 2015);  |
|                            | (A)(i)(II) drug offenses   | Section 212(h) of the Act (very limited).  | <i>Matter of Paek</i> , 26 I&N Dec. 403 (BIA 2014);   |
|                            | (B) multiple criminal convictions  | Section 212(h) of the Act.                 | <i>Matter of Rivas</i> , 26 I&N Dec. 130 (BIA 2013);  |
|                            | (C) drug traffickers   | None.                                      | <i>Matter of Martinez Espinoza</i> , 25 I&N Dec. 118 (BIA 2009)   |
|                            | (D) prostitution & commercialized vice   | Section 212(h)(1)(a) of the Act.           |   |

| <b>Public Charge</b>                                |   |  |   |
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| 212(a)(4)   | An alien who is a public charge is inadmissible.  | Section 213A, Affidavit of Support requirement   | USCIS, <i>Affidavit of Support Procedures</i> (Aug. 29, 2013), available at <a href="http://www.uscis.gov/green-card/green-card-processes-and-procedures/affidavit-support">http://www.uscis.gov/green-card/green-card-processes-and-procedures/affidavit-support</a> |
| <b>Labor Certification</b>                          |   |  |   |
| 212(a)(5)   | (A) an alien who seeks to enter the U.S. to perform skilled or unskilled labor is inadmissible unless he has a labor certification. | None.  | <i>Matter of Butt</i> , 26 I&N Dec. 108 (BIA 2013);<br><br><i>Matter of Rajah</i> , 25 I&N Dec. 127 (BIA 2009)  |
| <b>Illegal Entrants &amp; Immigration Violators</b> |   |  |   |
| 212(a)(6)   | (A) an alien in the U.S. who has not been inspected and admitted or paroled is inadmissible.  | N/A to NACARA adjustment applicants & VAWA applicants.<br><br>Section 245(i) of the Act. | <i>Matter of Estrada</i> , 26 I&N Dec. 180 (BIA 2013);<br><br><i>Matter of Butt</i> , 26 I&N Dec. 108 (BIA 2013);<br><br><i>Matter of Ilic</i> , 25 I&N Dec. 717 (BIA 2012);<br><br><i>Matter of Legaspi</i> , 25 I&N Dec. 328 (BIA 2010)                             |
|   | (B) failure to attend removal hearing   | None.  |   |
|   | (C)(i) fraud & misrepresent material fact   | Section 212(i) of the Act (Form I-601).  | <i>Matter of Cervantes</i> , 22 I&N Dec. 560 (BIA 1999)   |
|   | (C)(ii) false claims to US citizenship made on or after 9-30-96, except for certain children  | None.  | <i>Matter of Barcenas-Barrera</i> , 25 I&N Dec. 40 (BIA 2009)   |
|   | (D) stowaways   | None.  |   |

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|  | (E) alien smuggler  | Section 212(d)(11) of the Act.  | <i>Matter of Compean</i> , 21 I&N Dec. 51 (BIA 1995)  |
|  | (F) alien subject to a final order under section 274C of the Act.   | None.   |   |
| <b>Document Requirements</b>                 |   |   |   |
| 212(a)(7)(A)                                 | immigrant without an immigrant visa or improperly issued visa discovered at POE   | Section 212(k) of the Act .   | <i>Matter of Aurelio</i> , 19 I&N Dec. 458 (BIA 1987)   |
| <b>Previous Removal or Unlawful Presence</b> |   |   |   |
| 212(a)(9)                                    | (A)(i) an arriving alien who was ordered removed and who again seeks admission within 5 years of the date of such removal is inadmissible.  | Except that AG may consent to alien's reapplying for admission (Form I-212).                |   |
|  | (A)(ii) an alien who was ordered removed or who departed the U.S. with an outstanding removal order and who seeks admission within 10 years of the date of the alien's departure is inadmissible.               | Except that AG may consent to alien's reapplying for admission (Form I-212).                |   |
|  | (B)(i)(I) with certain exceptions, an alien who is unlawfully present for more than 180 days but less than 1 year & who voluntarily departed the U.S. before proceedings commenced is inadmissible for 3 years. | Section 212(a)(9)(B)(v) (Forms I-601 & G-325A).<br><br>N/A to NACARA adjustment applicants. |   |
|  | (B)(i)(II) with certain exceptions, an alien who is unlawfully present for more than 1 year, and who again seeks readmission within 10 years of the date of the alien's departure is inadmissible.              | Section 212(a)(9)(B)(v) (Forms I-601 & G-325A).<br><br>N/A to NACARA adjustment applicants. | <i>Matter of Arrabally and Yerrabelly</i> , 25 I&N Dec. 771 (BIA 2012)<br><br><i>Matter of Lemus</i> , 25 I&N Dec. 734 (BIA 2012) |

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|  | (C)(i)(I) an alien who has been unlawfully present for an aggregate period of more than 1 year and who enters or attempts to enter the U.S. without being admitted | No, except that DHS Secretary may consent to alien's reapplying after 10 years outside the United States. | <i>Garfias-Rodriguez v. Holder</i> , 702 F.3d 504 (9th Cir. 2012) ;<br><br><i>Matter of Diaz</i> , 25 I&N Dec. 188 (BIA 2010);<br><br><i>Matter of Briones</i> , 24 I&N Dec. 355 (BIA 2007) |
|  | (C)(i)(II) alien who has been ordered removed and who enters or attempts to enter the U.S. without being admitted  | No, except that DHS Secretary may consent to alien's reapplying after 10 years outside the United States. | <i>Carrillo de Palacios v. Holder</i> , 708 F.3d 1066 (9th Cir. 2013)<br><br><i>Matter of Torres-Garcia</i> , 23 I&N Dec. 866 (BIA 2006)  |

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